

### Remarks

In response to the Restriction Requirement of January 18, 2006, Applicants hereby elect to prosecute the claims of Group I, claims 1-6, with traverse. The Applicants expressly reserve the right under 35 USC §121 to file a divisional application directed to the non-elected subject matter or any subject matter disclosed in this application during the pendency of this application.

Applicants respectfully request rejoinder of the invention of Groups I and II. The claims of Group II have been amended, and now recite the identical composition as that claimed in Group I. Therefore, the process makes the product as claimed.

Applicants further request rejoinder of the invention of Groups I and IV. In accordance with 37 C.F.R. 1.104, the requirement for restriction between a product claim and process claims commensurate in scope shall be withdrawn when the elected product claim is found allowable. See "Guidance on Treatment of Product and Process Claims in light of *In re Ochiai*, *In re Brouwer* and 35 U.S.C. 103(b)", 1184 O.G. 86 (March 26, 1996).

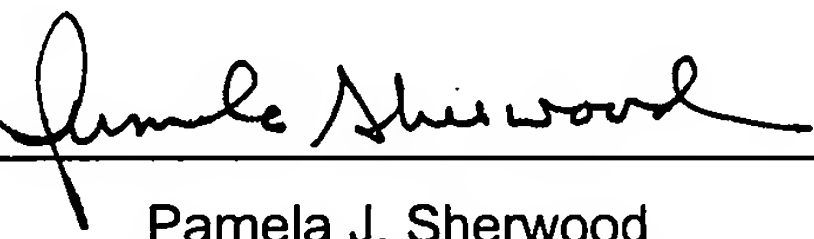
In response to the species election, Applicants elect cells comprising no exogenous DNA vector. Claims 1-5 are generic, Claim 6 reads on the non-elected species. In the event of rejoinder of Groups I and II, Applicants elect the source of hematopoietic cells as bone marrow. Claim 7 is generic, Claim 9 reads on the non-elected species.

Applicants note that upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R.1.141.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number STAN-278.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: Feb. 9, 2006

By:   
Pamela J. Sherwood  
Registration No. 36,677

BOZICEVIC, FIELD & FRANCIS LLP  
1900 University Avenue, Suite 200  
East Palo Alto, California 94303  
Telephone: (650) 327-3400  
Facsimile: (650) 327-3231

F:\PATTSY97-2\LETTERS\FFrstreq.doc